IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

MICHAEL LYNN POSTON and wife,)
MYRNA JO POSTON,)
Diaintiffs)
Plaintiffs,) NO.
vs.) JURY DEMAND
SHELTER MUTUAL INSURANCE CO.; AND,)
EQUIFIRST CORPORATION; AND,)
MORTGAGE ELECTRONIC REGISTRATION)
SYSTEM, INC., AND,)
HOMEQSERVICING ISAOA; AND,)
ARCHER LAND TITLE, INC. IN ITS CAPACITY)
AS TRUSTEE.)
)
)

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

For its Notice of Removal of this action from the Circuit Court of White County, Tennessee to the United States District Court for the Middle District of Tennessee, Defendant, Shelter Mutual Insurance Company states:

On or about August 12, 2009, plaintiffs Michael Lynn Poston and Myrna Jo Poston filed a Complaint in the Circuit Court for White County, Tennessee against defendant Shelter Mutual Insurance Company. The Complaint seeks damages for insurance benefits due to a fire that occurred on September 12, 2008 at defendants' residence located at 538 Franklin Avenue, Sparta, Tennessee.

This action is one over which this Court has subject matter jurisdiction under the provisions of 28 U.S.C.A. Sections 1332 and 1446. The plaintiffs are citizens and residents of White County, Tennessee. The defendants are out of state corporations that are doing business in the State of Tennessee. The plaintiffs are seeking damages in excess of \$75,000. Therefore, this action is one that may be removed to this Court by the defendant, pursuant to the provisions of 28 U.S.C.A. Section 1446 and 28 U.S.C.A. Section 1332, in that it is an action for a complete diversity lawsuit.

This Notice of Removal was filed in this Court within thirty (30) days of plaintiffs' notice of the commencement of the lawsuit on defendant Shelter Mutual Insurance Company, said notice received by certified mail on April 23, 2010 in Civil Action No. CC2048M in the Circuit Court for White County, Tennessee.

WHEREFORE, the defendants respectfully requests that this action now pending before the Circuit Court for White County, Tennessee be removed to this Court.

Respectfully submitted,

ORTALE, KELLEY, HERBERT & CRAWFORD

/s/ W. Carl Spining_

W. Carl Spining, Esq.

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Attorney for Shelter Mutual Insurance Company 200 Fourth Avenue, North

Third Floor - Noel Place

Post Office Box 198985

Nashville, Tennessee 37219-8985

(615) 256-9999

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing has been served, via U.S.
Mail, postage pre-paid, on Equifirst Corporation, 500 Forest Point Circle, Charlotte, NC 28273,
HomeQ Servicing ISAOA, P.O. Box 576216, Jacksonville, Florida 32241, Mortgage Electronic
Registration System, Inc., P.O. Box 2026, Flint, MI 48501 and D. Michael Kress, II, 8 East
Bockman Way, Sparta, Tennessee 38583 this day of May 2010.
W. Carl Spining